

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHNSON HEALTH TECH. CO., LTD.,

Plaintiff,

v.

SPIRIT MANUFACTURING, INC.
d/b/a SPIRIT FITNESS PRODUCTS,

Defendant.

ORDER

08-cv-59-bbc

Plaintiff's motion to "supplement the summary judgment record," dkt. #108, with additional proposed findings of fact and declarations regarding infringement is DENIED. Plaintiff filed this motion three weeks after the parties finished briefing summary judgment motion and its only explanation for the late filing is that it obtained new evidence since its original filing. However, just because the summary judgment deadline falls before the discovery deadline does not provide grounds for amending the summary judgment submissions. The later discovery date allows parties to obtain additional evidence for trial, not to "update" their summary judgment materials if they uncover something they believe is helpful. Plaintiff knew what the deadlines were. If it believed it needed more time, it should have

sought an extension before filing its summary judgment motion.

Entered this 9th day of December, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge